

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
ROOM 27, WALLFIELDS, HERTFORD
ON WEDNESDAY, 1 APRIL 2009 AT
7.30 PM

PRESENT:

District Council Members:

Councillors R L Parker, P A Ruffles, J Warren and
M Wood

Town Councils' Representative:

Mrs E Woods

Parish Councils' Representatives

Mr J Jones
Mr C Marks

Independent Members:

Mr S Bouette
Mr D Farrell
Mr J Morphew (Chairman)
Mr T Vickers

ALSO IN ATTENDANCE:

Councillors M Alexander, D Andrews, D Clark, T Milner

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Monitoring Officer
Jeff Hughes	- Head of Democratic and Legal Support Services

RESOLVED ITEMSACTION677 EXCLUSION OF PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the item of business detailed at Minute 682 below on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A of the Local Government Act 1972. The Committee agreed that this item should be considered in public.

RESOLVED - that the press and public be not excluded from the meeting during discussion of the item of business detailed in Minute 682 below.

678 MINUTES

RESOLVED – that the Minutes of the meeting of the Standards Committee held on 18 November 2008 be confirmed as a correct record and signed by the Chairman.

679 LOCAL ASSESSMENT REVIEW

The Monitoring Officer submitted a report reviewing local assessment cases and presenting statistical information available from the Standards Board based on data provided by local authorities on the caseloads.

The Committee noted that a total of 2,030 cases had been recorded on local authority quarterly returns for the period 8 May to 31 December 2008. Of these complaints, 56% were from Members of the public, 34% from Councillors and 10% from a combination of parish/town clerks, Members of Parliament, Monitoring Officers and those completing complaint forms as “other”.

No further action had been taken in 52% of the cases recorded. Of the 28% of cases referred for investigation, 78% had concluded with a determination that there had

been no breach of a Code of Conduct.

The Monitoring Officer highlighted information on “other action” determinations. This particular aspect of the local assessment process was the subject of a limited consultation exercise by the Standards Board. It was anticipated that, following the conclusion of its consultations, the Board would be issuing revised guidance on “other action” determinations. The Monitoring Officer advised that he had already submitted representations on the local assessment process based on this Authority’s experiences.

RESOLVED – that the report be noted.

680 APPLICATION FOR DISPENSATION

The Deputy Monitoring Officer submitted a report on a request for dispensation from Ware Town Council for its Members.

The Committee noted that Ware Town Council was the sole Trustee of the Ware Priory Charity. All elected members of that Authority sat as the Trustee and managed the Charity’s affairs. Ware Town Council had applied for a dispensation to enable its Members to speak and vote at meetings of the Town Council or at any of its committees on matters relating to the Priory Charity.

The Deputy Monitoring Officer advised that, under the provisions of relevant legislation, the Committee may grant dispensations to town/parish councillors where the transaction of business of the Authority concerned would, on each occasion when the dispensation would apply, be otherwise impeded because:

- the number of Members that were prohibited from participating in the business exceeded 50% of those Members who were entitled or required to so participate;
- the authority was not able to comply with any duty which applied to it under Section 15(4) of the Local

Government and Housing Act 1989 (this related to Principal Councils and the allocation of seats on committees to political groups).

The Committee agreed to approve the application for dispensation to allow Members of Ware Town Council to speak and vote on matters relating to the Ware priory Charity. It further agreed that the dispensation should end on 30 April 2011.

RESOLVED – that a dispensation be granted to enable Ware Town Council’s Members to speak and vote at meetings of the Town Council, or at any of its committees, on matters relating to the Priory Charity for a period commencing from the date of this meeting until 30 April 2011.

DMO

(Note: Councillor T Milner declared a personal and prejudicial interest in the matter the subject of Minute 680 above as he was a Member of Ware Town Council. He left the meeting prior to the consideration of this item of business.)

681 TRAINING AND FUTURE WORK PROGRAMME

The Deputy Monitoring Officer submitted a report inviting the Committee to consider its training requirements and to identify items for consideration at future meetings.

The Monitoring Officer advised that further revisions to the Code of Conduct were imminent. Members supported his suggestion that a training event be held following the publication of the revised Code and associated Standards Board guidance.

In response to comments from Members, the Monitoring Officer undertook to provide further information on Assessment Sub-Committee decisions, where possible.

The Committee agreed to receive the report now submitted.

RESOLVED – that the report be received.

682 COMPLAINT IN RESPECT OF A DISTRICT COUNCILLOR – REFERENCE EHDC/01/2008

The Monitoring Officer submitted a report on a complaint that Councillor M Alexander had breached the Authority's Code of Conduct

The complaint had been referred to the Monitoring Officer for investigation by the Assessment Sub-Committee.

The Committee noted the details of the complaint and that the complainant believed that Councillor Alexander's conduct "...could reasonably be construed as bringing a Member's office or authority into disrepute".

The Monitoring Officer drew Members' attention to the Investigating Officer's report on the complaint appended to his report.

The Investigating Officer had found that there had been no breach of the Code of Conduct by Councillor Alexander.

The Committee noted that it was required to consider the Investigating Officer's report and make one of the following findings:

- to accept a finding of no failure;
- to refer the matter to a hearing of the Standards Committee;
- to refer the matter to the Adjudication Panel for England for determination.

The Committee considered the details of the Investigating Officer's report, the relevant legislation and protocols and the evidence gathered. It noted the reasons identified by the Investigating Officer for reaching the finding now detailed.

The Committee agreed to accept the finding that there had been no failure by Councillor Alexander to comply with the Authority’s Code of Conduct.

In response to Members’ comments, the Monitoring Officer undertook to consider and issue further guidance on the Planning Code of Good Practice and its relationship with the Code of Conduct.

RESOLVED – that, in relation to complaint reference EHDC/01/2008, the Investigating Officer’s finding that there had been no failure by Councillor Alexander to comply with the Authority’s Code of Conduct be accepted. MO

The meeting closed at 9.00 pm

W:\Stortford\BSWP\NPS\Standards\1 April 2009\Minutes 1 April 2009.doc

Chairman
Date